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8 **UNITED STATES DISTRICT COURT**
9 EASTERN DISTRICT OF CALIFORNIA
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11 MICHAEL E. PRYOR,

12 Petitioner,

13 v.

14 THE PEOPLE OF THE STATE OF
15 CALIFORNIA,

16 Respondent.

Case No. 1:20-cv-00827-EPG-HC

ORDER TRANSFERRING CASE TO THE
CENTRAL DISTRICT OF CALIFORNIA

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18 Petitioner Michael E. Pryor is a state prisoner proceeding *pro se* with a petition for writ
19 of habeas corpus.

20 When a state prisoner files a habeas petition in a state that contains two or more federal
21 judicial districts, the petition may be filed in either the judicial district in which the petitioner is
22 presently confined or the judicial district in which he was convicted and sentenced. See 28
23 U.S.C. § 2241(d); Rumsfeld v. Padilla, 542 U.S. 426, 442 (2004) (quoting Carbo v. United
24 States, 364 U.S. 611, 618, 81 S. Ct. 338, 5 L. Ed. 2d 329 (1961)). Petitions challenging the
25 execution of a sentence are preferably heard in the district where the inmate is confined. See
26 Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Petitions challenging convictions or
27 sentences are preferably heard in the district of conviction. See Laue v. Nelson, 279 F. Supp.
28 265, 266 (N.D. Cal. 1968). Section 2241 further states that, rather than dismissing an improperly

1 filed action, a district court, “in the exercise of its discretion and in furtherance of justice[,] may
2 transfer” the habeas petition to another federal district for hearing and determination. Id.; see also
3 28 U.S.C. § 1404(a) (court may transfer any civil action “to any other district or division where it
4 might have been brought” for convenience of parties or “in the interest of justice”).

5 Here, Petitioner is challenging his criminal conviction in the Los Angeles County
6 Superior Court, and thus, the petition is preferably heard in the district of conviction, which is
7 the Central District of California. Therefore, this action will be transferred. This Court has not
8 ruled on Petitioner’s motion to appoint counsel.

9 Accordingly, IT IS HEREBY ORDERED that this action is TRANSFERRED to the
10 United States District Court for the Central District of California.

11 IT IS SO ORDERED.
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13 Dated: June 17, 2020

/s/ *Eric P. Groj*

14 UNITED STATES MAGISTRATE JUDGE

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